

RESPONSE UNDER 37 C.F.R. § 1.111
U. S. Application No. 09/973,046

REMARKS

Claims 1-11 are all the claims pending in the application.

Claims 1-3 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sprague et al. (US 5,247,575; hereafter "Sprague"). Claims 5-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Takase et al. (US 6,381,513; hereafter "Takase"). Claims 10 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Inselberg (US 6,760,595). Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Sprague in view of Ishizaki et al. (US 5,884,140; hereafter "Ishizaki").

The present invention relates to a control method and a system using a Bluetooth and having a server and a terminal capable of mutual wireless data transmission and reception, and a server and a terminal used by the same.

Sprague relates to a method and apparatus for distributing information to users in the field and for accounting financially for the information distributed to, and selected and received by each user. Further, Sprague relates to the provision of a protected archival databank at the user site which permits rapid selection and retrieval of information.

Takase relates to technique for distributing electronic information (such as a kind of multimedia information) including text information and its corresponding motion image information, a technique for reproducing the distributed electronic information, and a technique for utilizing a memory card having an electrically rewritable nonvolatile semiconductor memory as a medium for distributing the electronic information.

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Inselberg relates to system and method by which spectators answer queries using wireless interactive devices, the answers are correlated and results are announced, thereby enhancing the spectators' experience and enjoyment.

Ishizaki relates to an information distribution system for distributing information such as news in various fields (genres), stock prices, exchange rates, etc.

For claims 1-3, Applicant submits that Sprague does not disclose transmitting an item selecting program to the terminal, the item selecting program through which a user selects at least one of the items that the user wishes to receive from the server, as recited in claim 1. The Examiner appears to assert that the user display interface of Sprague corresponds to the item selecting program of claim 1. Here, the Examiner points to col. 19, lines 21-30 and col. 20, lines 19-33 of the reference. However, Sprague's user display interface is a computer or workstation. Clearly, Sprague does not disclose transmitting a computer or a workstation to a terminal. Moreover, the reference fails to teach or suggest transmitting an item selecting program to the terminal. As noted by the Examiner, a user of Sprague's system can input search criteria. However, the transmitting of an item selecting program is not needed for the user to input his search criteria. Sprague simply discloses that users can select information. See col. 19, lines 25-26. Therefore, claim 1 and its dependent claims 2 and 3 are not anticipated by Sprague.

With respect to claims 5-9, Applicant presents the following arguments.

Applicant submits that Takase fails to teach or suggest receiving an item selecting program from the server, the item selecting program providing an item selecting menu through which a user can select at least one item in a database, the database storing a plurality of classified items, as recited in claim 5. The Examiner points to col. 9, lines 25-44 as allegedly

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disclosing this feature of the claim, but Applicant disagrees. Rather than disclosing receiving an item selecting program from the server, the cited excerpt discloses downloading electronic information of individual newspaper publishing companies. The electronic information is essentially a newspaper downloaded electronically. See col. 9, lines 37-44 and 52-53. The reference does not indicate that an item selecting program is received from a server, in addition to the downloading of the electronic newspaper. The operation unit 413 is used to control the downloading of the electronic newspaper, but the operation unit does not receive an item selecting program from a server. Thus, claim 5 and its dependent claims 6 and 7 are not anticipated by Takase.

Claims 8 and 9 are not anticipated by Takase for reasons analogous to those for claim 5.

For the rejection of claims 10 and 11, Applicant has the following comments.

As noted on the face of the Inselberg patent, Inselberg is a continuation-in-part (CIP) of application No. 09/854,267, filed on May 11, 2001, which is a continuation of application No. 09/656,096, filed September 6, 2000, which issued as US 6,434,398 ("the '398 patent"). After a review of the '398 patent, it appears that the disclosure of Inselberg upon which the Examiner relies to reject claims 10 and 11 was not present in the Inselberg family of applications until the CIP (Inselberg) was filed on May 11, 2001. Since this date (May 11, 2001) is after the filing date (January 19, 2001) of the priority document of the present application, Applicant should be able to remove as a prior art reference those portions of Inselberg which were added via the CIP. This is the case, because only the portions of Inselberg which were present prior to the filing of the CIP are entitled to the original filing date of the '398 patent. To do this Applicant will file a certified English translation of the priority document to perfect the foreign priority of the present

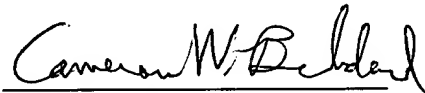
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application. Applicant plans to file the priority document in the very near future, as a supplement to the present Response. By perfecting the priority of the present application, the rejection of claims 10 and 11 will be rendered moot, since those portions of Inselberg used to reject claims 10 and 11 will be removed as a reference.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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